

In Re: **Debraj Saha & Ors.**

...Petitioner

Mr. Dipankar Aditya,
Ms. Tina Biswas.

.... For the Petitioner.

1. This revisional application has been filed challenging the order passed by the learned Appellate Court in connection with the proceeding filed under Protection of Women from Domestic Violence Act, 2005 whereby interim order of maintenance of Rs. 40,000/- + Rs.20,000/- to be paid to the wife and child has been affirmed.
2. The learned Advocate representing the petitioner submits that the learned Magistrate did not give an opportunity of hearing to the present petitioner and on the date fixed for the service return such order was passed.
3. The petitioner himself has no income of his own for the present as he has left the job.
4. The learned Appellate Court affirmed the judgment of the learned Court without considering that the monthly income of the present petitioner, which were to be ascertained by following the judgment of the Hon'ble Supreme Court in **Rajnesh vs. Neha** reported in **2021 2 SCC 324**. The learned Trial Court despite the fact in the affidavit of asset and liability about the income of the wife being a working lady allowed such amount as maintenance.
5. Heard the submission.
6. Prima facie arguable case is made out before this Court for which the matter is required to be heard.

7. In the meantime, there shall be an order of stay of all further proceeding and to pay Rs.30,000/- for wife and Rs.10,000/- for the child as maintenance in terms of the order to be passed by the learned Magistrate until further order passed by this Court till 30th April, 2026.
8. Let the matter to appear before the regular bench three weeks hence.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Chaitali Chatterjee (Das), J.)